

# Financial Exploitation of Vulnerable Adults

A Comprehensive Look  
At Today's Elder Issues

Investigator Cindy Koenig-Warnke

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# Adult Abuse Defined

- **Nebraska State Statute 28-386:**  
It is unlawful for any person to knowingly and intentionally commit any act causing or permitting a vulnerable adult to be:
  - **Physically injured**
  - **Unreasonably confined**
  - **Sexually abused**
  - **Exploited**
  - **Cruelly punished or**
  - **Denied essential services**

# Vulnerable Adult Defined:

- Any person 18 years or older who has a substantial mental or functional impairment
- Who has a Guardian under the Nebraska Probate Court

Source: Nebraska Criminal and Traffic Law Manual

# Substantial Mental Impairment Defined:

- Substantial Disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior or ability to live independently or provide self-care as revealed by observation, diagnosis, investigation or evaluation.

Source: 2010 Nebraska Criminal and Traffic Law Manual

# Substantial Functional Impairment Defined:

- Substantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, investigation or evaluation

Source: 2010 Nebraska Criminal and Traffic Law Manual

# Exploited Defined

**Taking property  
of a vulnerable  
adult by  
means of:**

- \*Undue Influence**
- \*Breach of fiduciary  
relationship**
- \*Deception**
- \*Extortion OR**
- \*By any unlawful  
means**



# LPD Case B0-019658

- Information from APS that a 80 year old is a possible victim of financial exploitation
- Victim was assigned a Guardian in December 2007
- Family member reported mishandling of victim's finances
- Victim was living in Assisted Living Facility from September 2007 to February 2010

# LPD Case B0-019658

- Prior to moving into Assisted Living Facility the victim sold her farm and land for an estimated \$445,000 in 2007
- Victim was assigned a new Conservator
- New Conservator estimated that Guardian used approximately \$300,000 of victim's finances for her personal use



# LPD Case B0-019658

- Financial Documents showed
- \$52,038.47 in cash withdrawals
- \$65,587.91 purchases at Wal-Mart
- \$16,036.67 purchases at Quality Jewelers

# LPD Case B0-019658



- Mary Meredith arrested on November 11, 2010
- Charged with Abuse of Vulnerable Adult
- Victim's Daughter
- Meredith said she purchased things her mother wanted

# LPD Case B0-019658

- Meredith said Victim liked to shop
- Estimated \$15,000 to \$20,000 was spent per month for her mother's shopping
- Pled no contest to Abuse of Vulnerable Adult on June 27, 2011



# Signs of Financial Exploitation

- **Cashing checks without permission or authority**
- **Misusing Power Of Attorney/Durable Power Of Attorney**
- **ATM withdrawals inconsistent with the victim's use/ability**
- **Unpaid bills with adequate income**
- **Bank accounts overdrawn with adequate income**

Source: Nebraska Department of Health and Human Services

# Reporting Abuse Required

- NE State Statute 28-372
- Physician, Physician Assistant
- Psychologist, Mental Health Professional
- Nurse, nursing assistant, Other medical professional
- Developmental Disability Professional
- Law enforcement personnel
- Caregiver or employee of a caregiver
- Operator or Employee of a sheltered workshop
- Human services professional or paraprofessional
- Owner, operator, or employee of any facility licensed by DHHS, Division of Public Health, or Licensure Unit

Source: 2010 Nebraska Criminal and Traffic Law Manual



# When to Report Abuse

- Anytime you have reasonable cause to believe a vulnerable adult has been subjected to abuse or neglect.
- You observed a vulnerable adult being subjected to conditions or circumstances which reasonably would result in abuse or neglect.

Source: Nebraska Department of Health and Human Services



# Questions?

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